

1-1-1986

Nonbroadcast Video - Programming and Distribution: A Comprehensive Bibliography of Law-Related Periodical Articles

Frank G. Houdek

Follow this and additional works at: https://repository.uchastings.edu/hastings_comm_ent_law_journal

 Part of the [Communications Law Commons](#), [Entertainment, Arts, and Sports Law Commons](#), and the [Intellectual Property Law Commons](#)

Recommended Citation

Frank G. Houdek, *Nonbroadcast Video - Programming and Distribution: A Comprehensive Bibliography of Law-Related Periodical Articles*, 9 HASTINGS COMM. & ENT. L.J. 307 (1986).

Available at: https://repository.uchastings.edu/hastings_comm_ent_law_journal/vol9/iss2/5

This Note is brought to you for free and open access by the Law Journals at UC Hastings Scholarship Repository. It has been accepted for inclusion in Hastings Communications and Entertainment Law Journal by an authorized editor of UC Hastings Scholarship Repository. For more information, please contact wangangela@uchastings.edu.

Nonbroadcast Video—Programming and Distribution: A Comprehensive Bibliography of Law-Related Periodical Articles*

by FRANK G. HOUDEK**

Table of Contents

PART ONE: PROGRAMMING	309
I. CABLE TELEVISION	309
A. Programming—In General	309
B. Content Regulation—In General	310
C. Local/Public Access Programming	311
D. Cablecasting/Program Origination	313
E. Indecent/Obscene Programming	315
F. Political Programming	316
G. Sports Programming	317
H. Copyright	317
1. In General	317
2. Retransmission of Broadcast Signals	318
a. In General	318
b. Pre-Consensus and Copyright Reform....	319
c. FCC Consensus Agreement: Distant Signal Carriage and Program Exclusivity Rules.....	321
d. The Copyright Act of 1976: Compulsory License and the Copyright Royalty Tribunal	321
3. Superstations and Resale Carriers.....	322
II. VIDEO RECORDING	323
A. In General	323

* This bibliography lists articles which were published through December, 1986.

** Law Library Director and Associate Professor of Law, Southern Illinois University School of Law. B.A., University of California at Los Angeles, 1971; J.D. (Order of the Coif), University of California at Los Angeles, School of Law, 1974; M.L.S., University of California at Los Angeles, Graduate School of Library and Information Science, 1976.

B. Home Taping (Off-the-Air)	324
C. Taping for Educational Purposes	330
D. Prerecorded Programming	330
III. SATELLITE VIDEO DELIVERY	331
A. DBS and the First Amendment	331
B. International Content Regulation	331
PART TWO: DISTRIBUTION OF PROGRAMMING....	333
I. CABLE TELEVISION	333
A. In General	333
B. Constitutional Limits on Franchise Monopolies .	333
C. Superstations	334
(See also under Copyright in PART ONE)	
II. SATELLITE VIDEO DELIVERY	334
A. Satellite Distribution—In General	334
B. International Signal Piracy	335
III. UNAUTHORIZED RECEPTION	336
A. "Pay TV"—In General	336
B. Cable Television	337
C. Over-the-Air Pay TV	338
1. Subscription Television (STV)	338
2. Multipoint Distribution Service (MDS)	339
D. Satellite Video Delivery	339
IV. DISTRIBUTION—MISCELLANEOUS	340
PART THREE: CASE NOTES	341
<i>ACLU v. Federal Communications Commission</i> , 523 F.2d	
1344 (9th Cir. 1975).	341
<i>Columbia Pictures Industries, Inc. v. Redd Horne, Inc.</i> ,	
749 F.2d 154 (3d Cir. 1984).	341
<i>Cruz v. Ferre</i> , 571 F. Supp. 125, 9 Media Law Reporter	
2050 (BNA) (S.D. Fla. 1983).	341
<i>Federal Communications Commission v. Midwest</i>	
<i>Video Corp.</i>	
1) 440 U.S. 689 (1979)	341
2) 571 F.2d 1025 (8th Cir. 1978).	342
<i>Fortnightly Corp. v. United Artists Television, Inc.</i> , 392	
U.S. 390 (1968).	342
<i>Home Box Office v. Wilkinson</i> , 531 F. Supp. 987 (D.	
Utah 1982).	342
<i>Home Box Office v. Federal Communications</i>	
<i>Commission</i> , 567 F.2d 9 (D.C. Cir. 1977).	342

- Malrite TV of New York v. Federal Communications Commission*, 652 F.2d 1140 (2d Cir. 1981), *cert. denied*, 102 S. Ct. 1002 (1982). 342
- Movie Systems, Inc. v. Heller*, 710 F.2d 492 (8th Cir. 1983). 342
- National Subscription Television v. S & H TV*, 644 F.2d 280 (9th Cir. 1981). 342
- People v. Babylon*, 39 Cal. 3d 719, 702 P.2d 205, 216 Cal. Rptr. 123 (1985). 343
- People v. Patton*, 147 Cal. App. 3d Supp. 1, 194 Cal. Rptr. 759 (1983). 343
- Preferred Communications, Inc. v. City of Los Angeles*, 754 F.2d 1396 (9th Cir. 1985). 343
- Quincy Cable TV, Inc. v. Federal Communications Commission*, 768 F.2d 1434 (D.C. Cir. 1985). 343
- Sony Corp. of America v. Universal City Studios, Inc.*
- 1) 464 U.S. 417 (1984) 344
- 2) 659 F.2d 963 (9th Cir. 1981) 344
- 3) 480 F. Supp. 429 (C.D. Cal. 1979). 344
- Teleprompter Corp. v. CBS, Inc.*
- 1) 476 F.2d 338 (2d Cir. 1973) 345
- 2) 415 U.S. 394 (1974). 345
- United States v. Midwest Video Corp.*, 406 U.S. 649 (1972). 345

PART ONE: PROGRAMMING

I. CABLE TELEVISION

A. Programming—In General

Coursen, David. *The FCC and "Pay Cable": Promoting Diversity on Television*. 6 COMM/ENT, Hastings Journal of Communications and Entertainment Law 773-96 (1984).

Hammond, Allen S. *The Federal Communications Commission's Cable Access Rule and the Fiction of Public Participation*. 5 Black Law Journal 369-83 (1977).

Krasnow, Erwin G. and John C. Quale. *Developing Legal Issues in Cable Communications*. 24 Catholic University Law Review 677-91 (1975).

Lapierre, D. Bruce. *Cable Television and the Promise of Programming Diversity*. 42 Fordham Law Review 25-124 (1973).

Molenda, Michael H. *CATV and Access to Knowledge*. 2 Yale Review of Law and Social Action 243-60 (1972).

Nadel, Mark S. *Cablespeech for Whom?* 4 Cardozo Arts and Entertainment Law Journal 51-73 (1985).

Pearson, D. Bruce. *Cable: The Thread by Which Television Competition Hangs*. 27 Rutgers Law Review 800-35 (1974).

Rappaport, Richard Warren. *The Emergence of Subscription Cable Television and its Role in Communications*. 29 Federal Communications Bar Journal 301-34 (1976).

Samuels, David. *Keeping Culture on Cable*. 13 Journal of Arts Management and the Law 55-73 (Winter 1984).

Who's Afraid of CATV? 16 New York Law Forum 187-231 (1970).

B. Content Regulation—In General

Cable Television and Content Regulation: The FCC, the First Amendment and the Electronic Newspaper. 51 New York University Law Review 133-47 (1976).

Cable Television and the First Amendment. 71 Columbia Law Review 1008-38 (1971).

Cearley, Robert M. *Controls on Cable Television Programming; No Rational or Constitutional Justification*. 20 Arkansas Lawyer 18-21 (January 1986).

FCC Content Regulation of Cable Pay-Television: The Threat of Pacifica. 9 Cumberland Law Review 811-29 (1979).

FCC Regulation of Cable Television Content. 31 Rutgers Law Review 238-68 (1978).

Geller, Henry and Donna Lampert. *Cable, Content Regulation and the First Amendment*. 32 Catholic University Law Review 603-31 (1983).

Goldberg, Henry, Robert W. Ross and Phillip L. Spector. *Cable Television, Government Regulation,*

and the First Amendment. 3 COMM/ENT, Hastings Journal of Communications and Entertainment Law 577-606 (1981).

Krattenmaker, Thomas G. *Content Regulation of Cable Programming.* 6 Communications and the Law 63-69 (October 1984).

Lively, Donald E. *Fear and the Media: A First Amendment Horror Show.* 69 Minnesota Law Review 1071-97 (1985).

Miller, Nicholas P. and Alan Beals. *Regulating Cable Television.* 57 Washington Law Review 85-118 (1981). Also published in 3 COMM/ENT, Hastings Journal of Communications and Entertainment Law 607-43 (1981).

Witt, John W. *Cable Television Content Regulation after Crisp: Is There Anything Left?* 17 Urban Lawyer 277-97 (1985).

C. Local/Public Access Programming

Access and Pay Cable Rates: Off-Limits to Regulators After Midwest Video II? 16 Columbia Journal of Law and Social Problems 591-669 (1981).

Access to Cable Television: A Critique of the Affirmative Duty Theory of the First Amendment. 70 California Law Review 1393-1420 (1982).

ACLU v. FCC: *Are CATV Access Channels Common Carriers?* 1975 Utah Law Review 994-1006 (1975).

Berkshire Cablevision v. Burke: *Toward a Functional First Amendment Classification of Cable Operators.* 70 Iowa Law Review 525-43 (1985).

Botein, Michael. *Access to Cable Television.* 57 Cornell Law Review 419-59 (1972).

Cable Television: A New Challenge for the "Old" First Amendment. 60 St. John's Law Review 114-43 (1985).

Cable Television: The Constitutional Limitations of Local Government Control. 15 Southwestern University Law Review 181-216 (1984).

Cable TV's "Must Carry" Rules: The Most Restrictive Alternative—Quincy Cable TV, Inc. v. FCC. 8 Campbell Law Review 339-59 (1986).

Cablecasting: A Myth or Reality—Authority of the Federal Communications Commission to Regulate Local Program Origination on Cable Television—An Evaluation of the Commission's Cablecasting Rules After United States v. Midwest Video Corporation. 26 Rutgers Law Review 804-37 (1973).

Community Antenna Television and the Law. 11 North Carolina Central Law Journal 99-118 (1979).

FCC v. Midwest Video Corporation: One Less Cable Restraint. 41 Ohio State Law Journal 575-82 (1980).

Ginsburg, Douglas H. *Rights of Excess: Cable and the First Amendment.* 6 Communications and the Law 71-79 (October 1984).

Goldberg, Henry, Robert W. Ross, and Philip L. Spector. *Cable Television, Government Regulation, and the First Amendment.* 3 COMM/ENT, Hastings Journal of Communications and Entertainment Law 577-606 (1981).

Hammond, Allen S. *The Federal Communications Commission's Cable Access Rule and the Fiction of Public Participation.* 5 Black Law Journal 369-83 (1977).

The Invalidation of Mandatory Cable Access Regulations: FCC v. Midwest Video Corp. 7 Pepperdine Law Review 469-89 (1980).

Kreiss, Robert A. *Deregulation of Cable Television and the Problem of Access Under the First Amendment.* 54 Southern California Law Review 1001-50 (1981).

Meyerson, Michael I. *The Cable Communications Policy Act of 1984: A Balancing Act on the Coaxial Wires.* 19 Georgia Law Review 543-622 (1985).

Meyerson, Michael I. *The First Amendment and the Cable Television Operator: An Unprotective Shield Against Public Access Requirements.* 4 COMM/ENT, Hastings Journal of Communications and Entertainment Law 1-66 (1981).

Midwest Video Corp. v. FCC: The First Amendment Implications of Cable Television Access. 54 Indiana Law Journal 109-24 (1978).

Mininberg, Mark. *Circumstances Within Our Control: Promoting Freedom of Expression Through Cable Television*. 11 *Hastings Constitutional Law Quarterly* 551-98 (1984).

Nadel, Mark S. *Cablespeech for Whom?* 4 *Cardozo Arts and Entertainment Law Journal* 51-73 (1985).

Prangley, Patrick J. *Local Community Access Programming: A Communication Pipeline*. 9 *Current Municipal Problems* 355-58 (1983).

Public Access Channels in Cable Television: The Economic Scarcity Rationale of Berkshire v. Burke. 74 *Kentucky Law Journal* 249-67 (1985).

Public Access to Cable Television. 33 *Hastings Law Journal* 1009-44 (1982).

Public Access to Cable Television and the First Amendment. 15 *Seton Hall Law Review* 96-119 (1984).

Quincy Cable and Its Effect on the Access Provisions of the 1984 Cable Act. 61 *Notre Dame Law Review* 426-39 (1986).

Quincy Cable TV, Inc. v. Federal Communications Commission: Should the FCC Revive Cable Television's Must Carry Requirement? 19 *Loyola of Los Angeles Law Review* 1369-1410 (1986).

Saylor, David J. *Municipal Ripoff: The Unconstitutionality of Cable Television Franchise Fees and Access Support Payments*. 35 *Catholic University Law Review* 671-704 (1986).

Sibary, Scott. *The Cable Communications Policy Act of 1984 v. The First Amendment*. 7 *COMM/ENT, Hastings Journal of Communications and Entertainment Law* 381-415 (1985).

Wadlow, R. Clark and Linda M. Wellstein. *The Changing Regulatory Terrain of Cable Television*. 35 *Catholic University Law Review* 705-36 (1986).

D. Cablecasting/Program Origination

Administrative Law—FCC Jurisdiction Over CATV—Origination Cablecasting Regulation Held Within FCC's Authority, United States v. Midwest

Video Corp., 406 U.S. 649 (1972). Also in 4 Rutgers Camden Law Journal 391-403 (1973).

Administrative Law—FCC's Origination Requirement for CATV Upheld by Supreme Court, United States v. Midwest Video Corp., 406 U.S. 649 (1972). 22 Journal of Public Law 301-12 (1973).

Administrative Law—Telecommunications—FCC Rule Requiring CATV Systems to Operate as Local Outlets by Cablecasting Is Reasonably Ancillary to the Performance of the Commission's Responsibilities for the Regulation of TV Broadcasting. 22 Catholic University Law Review 708-14 (1973).

Barrow, Roscoe L. *Program Regulation in Cable TV: Fostering Debate in a Cohesive Audience.* 61 Virginia Law Review 515-39 (1975).

Cablecasting: A Myth or Reality—Authority of the Federal Communications Commission to Regulate Local Program Origination on Cable Television—An Evaluation of the Commission's Cablecasting Rules After United States v. Midwest Video Corporation. 26 Rutgers Law Review 804-37 (1973).

Communications Law—Television—Antisiphoning Rules Governing Movie and Sports Content of Pay Cable Television Exceeded Jurisdiction of FCC Under Federal Communications Act. 23 Villanova Law Review 597-613 (1978).

Lapierre, D. Bruce. *Cable Television and the Promise of Programming Diversity.* 42 Fordham Law Review 25-124 (1973).

Shapiro, George H., Gary M. Epstein, and Ronald A. Cass. *Cable-Satellite Networks: Structures and Problems.* 24 Catholic University Law Review 692-718 (1975).

United States v. Midwest Video Corp.—Cable Television and the Program Origination Rule. 22 De Paul Law Review 461-80 (1972).

Verrill, Charles O. *CATV's Emerging Role: Cablecaster or Common Carrier?* 34 Law and Contemporary Problems 586-609 (1969).

E. Indecent/Obscene Programming

Ashman, Allan. *Cable Television . . . Regulating Pornography*. 68 American Bar Association Journal 622 (1982).

The Cable Communications Policy Act of 1984 and Content Regulation of Cable Television. 20 New England Law Review 779-804 (1984-85).

FCC Regulation of Cable Television Content. 31 Rutgers Law Review 238-68 (1978).

Hanks, William and Steve Coran. *Federal Preemption of State Obscenity Law Applied to Broadcasting*. 5 COMM/ENT, Hastings Journal of Communications and Entertainment Law 21-41 (1982).

Hofbauer, Diane L. "Cableporn" and the First Amendment: Perspectives on Content Regulation of Cable Television. 35 Federal Communications Law Journal 139-208 (1983).

Indecency on Cable Television—A Barren Battleground for Regulation of Programming Content. 15 St. Mary's Law Journal 417-41 (1984).

Indecent Programming on Cable Television and the First Amendment. 51 George Washington Law Review 254-68 (1983).

Kleiman, Howard M. *Indecent Programming on Cable Television: Legal and Social Dimensions*. 30 Journal of Broadcasting and Electronic Media 275-94 (1986).

Krattenmaker, Thomas G. and Marjorie L. Esterow. *Censoring Indecent Cable Programs: The New Morality Meets the New Media*. 51 Fordham Law Review 606-36 (1983).

McFadden, Cynthia Graham. *Inviting the Pig to the Parlor: The Case Against the Regulation of Indecency and Obscenity on Cable Television*. 8 Art and the Law 317-68 (1984).

Obscenity, Cable Television and the First Amendment: Will FCC Regulation Impair the Marketplace of Ideas? 21 Duquesne Law Review 965-93 (1983).

The Pig in the Parlor: Pennsylvania Senate Bill 645 and the Regulation of "Cableporn." 90 Dickinson Law Review 463-86 (1985).

Powe, L. A. *Cable and Obscenity*. 24 Catholic University Law Review 719-54 (1975).

Riggs, Robert E. *Indecency on the Cable: Can It Be Regulated?* 26 Arizona Law Review 269-328 (1984).

Riggs, Robert E. *Regulation of Indecency on Cable Television*. 59 Florida Bar Journal 9-12 (March 1985).

Robinson, Glen O. *Cable Television and the First Amendment*. 6 Communications and the Law 47-61 (October 1984).

Van Lente, Scott. *Obscenity, Indecency and the Excitable Boy: Is Pay Cable Different?* 1 Cooley Law Review 391-420 (1983).

Wardle, Lynn D. *Cable Comes of Age: A Constitutional Analysis of the Regulation of "Indecent" Cable Television Programming*. 63 Denver University Law Review 621-95 (1986).

Winter, Bill. *Channel X: Cable TV Smut Battles Growing*. 69 American Bar Association Journal 886-87 (1983).

F. Political Programming

Barrow, Roscoe L. *Program Regulation in Cable TV: Fostering Debate in a Cohesive Audience*. 61 Virginia Law Review 515-39 (1975).

Cable Television: Should Candidates for Federal Elective Office Have an Affirmative Right of Access to Your Cable Television Channels? 13 Southwestern University Law Review 287-336 (1982).

Collins, Tom A. *The Future of Cable Communications and the Fairness Doctrine*. 24 Catholic University Law Review 833-53 (1975).

Goldberg, Henry, Robert W. Ross and Phillip L. Spector. *Cable Television, Government Regulation, and the First Amendment*. 3 COMM/ENT, Hastings Journal of Communications and Entertainment Law 577-606 (1981).

Simmons, Steven J. *The Fairness Doctrine and Cable*

TV. 11 *Harvard Journal on Legislation* 629-57 (1974).

Swillinger, Daniel J. *Candidates and the New Technologies: Should Political Broadcasting Rules Apply?* 49 *Missouri Law Review* 85-101 (1984).

G. Sports Programming

Cryan, Thomas Joseph and James S. Crane. *Sports on the Superstations: The Legal and Economic Effects.* 3 *Entertainment and Sports Law Journal* 35-6 (1986).

Hochberg, Philip R. and Ira Horowitz. *Broadcasting and CATV: The Beauty and the Bane of Major College Football.* 38 *Law and Contemporary Problems* 112-28 (1973).

Hochberg, Philip R. *The Four Horsemen Ride Again: Cable Communications and Collegiate Athletics.* 5 *Journal of College and University Law* 43-54 (1977).

Horowitz, Ira. *The Implications of Home Box Office for Sports Broadcasts.* 23 *Antitrust Bulletin* 743-68 (1978).

Sports Anti-Siphoning Rules for Pay Cable Television: A Public Right to Free TV? 53 *Indiana Law Journal* 821-40 (1978).

Wilson, Darryl C. *The Pay Cable TV-Sports Broadcasting Nexus.* 8 *Communications and the Law* 43-71 (February 1986).

H. Copyright

1. In General

Administrative Law: The Cable-Copyright Controversy Continues—But Not in the Courts. 48 *Brooklyn Law Review* 661-92 (1982).

Brotman, Stuart N. *Cable Television and Copyright: Legislation and the Marketplace Model.* 2 *COMM/ENT, Hastings Journal of Communications and Entertainment Law* 477-87 (1980). Also published in 19 *Publishing, Entertainment, Advertising and Allied Fields Law Quarterly* 223-35 (1981).

Copyright Misuse and Cable Television: Orth-O-Vision, Inc. v. Home Box Office. 35 Federal Communications Law Journal 347-73 (1983).

Keller, Joseph E. *Is Community Antenna Television a Copyright Infringer?* 43 University of Detroit Law Journal 367-74 (1966).

Kerever, Andre. *Transmission by Cable and Copyright.* 19 Copyright Bulletin 10-27 (No. 3, 1985).

Ladd, David. *A Pavan for Print: Accommodating Copyright to the Tele-Technologies.* 29 Journal of the Copyright Society of the U.S.A. 246-63 (1982).

Lloyd, Frank W. and Daniel M. Mayeda. *Copyright Fair Use, the First Amendment, and the New Communications Technologies: The Impact of Betamax.* 38 Federal Communications Law Journal 59-101 (1986).

Regulatory Versus Property Rights Solutions for the Cable Television Problem. 69 California Law Review 527-54 (1981).

Ringer, Barbara. *Recent Cable Television Developments in the United States Involving Copyright.* 3 Performing Arts Review 581-609 (1972).

Samuels, Edward B. *Copyright and the New Communications Technologies.* 25 New York Law School Law Review 905-23 (1980).

The Universal Copyright Convention and the Problem of Community Antenna Television Systems. 3 Ohio Northern University Law Review 535-49 (1975).

2. Retransmission of Broadcast Signals

a. In General

Cable Television and Copyright: Can the States Protect the Broadcasters? 32 Washington and Lee Law Review 163-90 (1975).

Cable Television and Copyright Royalties. 83 Yale Law Journal 554-79 (1974).

- Copyright Owners vs. Cable Television: The Evolution of a Copyright Liability Conflict.* 33 Syracuse Law Review 693-730 (1982).
- Copyrights: The Cable Television Controversy.* 27 Oklahoma Law Review 39-49 (1974).
- FCC Eliminates Longstanding Cable TV Rules.* 31 American University Law Review 471-75 (1982).
- The FCC Syndicated Exclusivity Rule and Alternatives to Nonduplication Protection.* 15 U.C. Davis Law Review 189-226 (1981).
- The FCC's Deregulation of Cable Television: The Problem of Unfair Competition and the 1976 Copyright Act.* 10 Hofstra Law Review 591-631 (1982).
- Nester, Daniel E. *Is CATV Infringing Proprietary Rights in Television Broadcasts?* 15 Copyright Law Symposium 153-71 (1967).
- A New Method of Calculating Copyright Liability for Cable Rebroadcasting of Distant Television Signals.* 94 Yale Law Journal 1512-28 (1985).
- Puffer, Mark H. *The Supreme Court and Copyright Liability for Retransmissions of TV and Radio Signals: A Dubious Performance.* 26 Copyright Law Symposium 127-49 (1981).
- Use of American Broadcast Signals by Canadian Cable Networks: The Cancom Decision.* 32 Buffalo Law Review 731-57 (1983).
- Zorn, Glenn Curtis. *Cable Television: Toward an Improved Copyright and Communications Policy.* 7 Art and the Law 239-60 (1982).
- b. Pre-Consensus and Copyright Reform**
- CATV and Copyright Infringement.* 10 Boston College Industrial and Commercial Law Review 459-79 (1969).
- CATV and Copyright Liability.* 80 Harvard Law Review 1514-37 (1967).
- CATV and Copyright Liability: The Final Decision.* 1 Connecticut Law Review 401-07 (1968).

CATV: Liability for the Uncompensated Transmission of Television Programs. 50 Minnesota Law Review 349-77 (1965).

CATV—The Continuing Copyright Controversy. 37 Fordham Law Review 597-603 (1969).

Cable, Copyright, Communications: Controversy. 24 Cleveland State Law Review 107-45 (1975).

Copyright Law and Cable Television. 35 Ohio State Law Journal 974-89 (1974).

The Copyright Law and Its Relevance to CATV: Can an Old Dog Be Taught New Tricks. 19 Buffalo Law Review 65-89 (1969).

Copyright, Performance and CATV. 25 Baylor Law Review 637-49 (1973).

Community Antenna Television and the Copyright Law: End of the Honeymoon. 15 University of Kansas Law Review 325-45 (1967).

Community Antenna Television: Reaction of the Industry. 40 Notre Dame Lawyer 311-23 (1965).

Community Antenna Television v. Copyright Rights, An Unresolved Controversy. 16 Howard Law Journal 553-74 (1971).

Epstein, David. *Copyright Protection and Community Antenna Television Systems.* 19 Federal Communications Bar Journal 97-108 (1964-65).

Hunke, Carlton J. *Community Antenna Television Operations as a "Performance": An Application of the Principle of Semantic Extension to the Federal Copyright Act.* 44 North Dakota Law Review 17-51 (1967).

Meyer, Gerald. *The Nine Myths of CATV.* 27 Federal Bar Journal 431-50 (1967).

Smith, E. Stratford. *CATV—A Tainted Virgin?* 27 Federal Bar Journal 451-80 (1967).

Television Broadcasting and Copyright Law: The Community Antenna Television Controversy. 41 St. John's Law Review 225-39 (1966).

c. FCC Consensus Agreement: Distant Signal Carriage and Program Exclusivity Rules

Besen, Stanley M. *The Economics of the Cable Television "Consensus"*. 17 *Journal of Law and Economics* 39-51 (1974).

CATV and Copyright Liability: Teleprompter Corp. v. Columbia Broadcasting System, Inc. and the Consensus Agreement. 25 *Hastings Law Journal* 1507-48 (1974).

The Cable Compromise: Integration of Federal Copyright and Telecommunications Policies. 17 *St. Louis University Law Journal* 340-54 (1973).

The Collapse of Consensus: Effects of the Deregulation of Cable Television. 81 *Columbia Law Review* 612-38 (1981).

Popham, James J. *The 1971 Consensus Agreement: The Perils of Unkept Promises*. 24 *Catholic University Law Review* 813-32 (1975).

Swackhamer, Leslie A. *Cable—Copyright: The Corruption of Consensus*. 6 *COMM/ENT, Hastings Journal of Communications and Entertainment Law* 283-324 (1984).

d. The Copyright Act of 1976: Compulsory License and the Copyright Royalty Tribunal

Besen, Stanley M., Willard G. Manning, Jr. and Bridger M. Mitchell. *Copyright Liability for Cable Television: Compulsory Licensing and the Coase Theorem*. 21 *Journal of Law and Economics* 67-95 (1978).

Botein, Michael. *The New Copyright Act and Cable Television—A Signal of Change*. 24 *Bulletin of the Copyright Society of the U.S.A.* 1-17 (1976).

Cable Television's Compulsory License: An Idea Whose Time Has Passed? 25 *New York Law School Law Review* 925-52 (1980).

The Copyright Royalty Tribunal: Achieving Equilibrium Between Cable and Copyright In-

terests. 1 Loyola Entertainment Law Journal 147-64 (1981).

Greene, Susan C. *The Cable Television Provisions of the Revised Copyright Act*. 27 Catholic University Law Review 263-303 (1978).

Hatfield, Dale N. and Robert Alan Garrett. *A Reexamination of Cable Television's Compulsory Licensing Royalty Rates: The Copyright Royalty Tribunal and the Marketplace*. 5 COMM/ENT, Hastings Journal of Communications and Entertainment Law 681-724 (1983). Also published in 30 Journal of the Copyright Society of the U.S.A. 433-76 (1983).

Kachigian, Mark. *The New Copyright Law and Cable Television, Interpretation and Implications*. 7 Performing Arts Review 176-95 (1977).

Ladd, David, Dorothy M. Schrader, David E. Leibowitz, and Harriet L. Oler. *Copyright, Cable, and the Compulsory License: A Second Chance*. 3 Communications and the Law 3-76 (Summer 1981).

Meyer, Gerald. *The Feat of Houdini or How the New Act Disentangles the CATV-Copyright Knot*. 22 New York Law School Law Review 545-71 (1977).

Noel, Wanda. *Should Cable Systems Pay Copyright Royalties?* 12 Ottawa Law Review 195-213 (1980).

Simon, David F. *A Copyright Approach to the Protection of the Local Television Station in the Face of Competition from Cable Television*. 8 Performing Arts Review 305-52 (1978). Also published as *Local Television vs. Cable: A Copyright Theory of Protection*. 31 Federal Communications Law Journal 51-83 (1978).

3. Superstations and Resale Carriers

Allocating Copyright Liability to Telecommunications Common Carriers Supplying Cable Systems. 67 Minnesota Law Review 963-1010 (1983).

Brotman, Stuart N. *Cable Television and Copyright: Legislation and the Marketplace Model*. 2 COMM/ENT, Hastings Journal of Communications and Entertainment Law 477-87 (1980). Also published in 19 Publishing Entertainment Advertising Law Quarterly 223-35 (1981).

Cassedy, Amy J. *As the World Turns: Copyright Liability of Satellite Resale Carriers*. 9 Art and the Law 89-119 (1984).

Copyright and the Cable Industry: The Passive Carrier Exemption Becomes Judicially Active. 19 Wake Forest Law Review 197-213 (1983).

Copyright Protection in the Cable Television Industry: Satellite Re-transmission and the Passive Carrier Exemption. 51 Fordham Law Review 637-65 (1983).

Crossed Signals: Copyright Liability for Resale Carriers of Television Broadcasts. 16 Indiana Law Review 611-39 (1983).

II. VIDEO RECORDING

A. In General

Colby, Richard. *An Historic "First"—Copyright Office Accepts Magnetic Video Tape for Registration*. 8 Bulletin of the Copyright Society of the U.S.A. 205-06 (1961).

The Conscientious Fair User's Guide to the Copyright Act of 1976: Video Recordation and Its Fair Use. 42 University of Pittsburgh Law Review 317-74 (1981).

Copyright Law—Videotaping Live Television News Broadcasts for Commercial Purposes. 6 Western New England Law Review 225-43 (1983).

Fritch, Bruce E. *Some Copyright Implications of Videotapes (Suggesting the Need for Statutory Revision)*. 13 Copyright Law Symposium 87-132 (1964). Also published in 37 Southern California Law Review 214-46 (1964).

Harris, Michael and Robert A. Mirisch. *Video Cassettes and the Law*. 4 Journal of the Beverly Hills Bar Association 18-19, 47-50 (Summer 1970).

Holland, Arnold J. *The Audiovisual Package: Handle with Care*. 22 Bulletin of the Copyright Society of the U.S.A. 104-47 (1974).

Iselin, Harold. *Home Video Licensing Agreements*. 8 Art and the Law 29- 41 (1983).

Klaver, Franca. *The Legal Problems of Video-Cassettes and Audio-Visual Discs*. 23 Bulletin of the Copyright Society of the U.S.A. 152-85 (1976).

Lloyd, Frank W. and Daniel M. Mayeda. *Copyright Fair Use, the First Amendment, and the New Communications Technologies: The Impact of Betamax*. 38 Federal Communications Law Journal 59-101 (1986).

Meyer, Gerald. *TV Cassettes—A New Frontier for Pioneers and Pirates*. 19 Bulletin of the Copyright Society of the U.S.A. 16-47 (1971).

Nimmer, Melville. *Proprietary Rights, Residual Rights and Copyright in Cartridge TV in the United States and Canada*. 3 Performing Arts Review 3-17 (1972).

Painter, Michael A. *Proprietary Rights in Video Tape*. 7 Journal of the Beverly Hills Bar Association 24-32 (May-June 1973).

Reimer, Dietrich. *Copyright Problems of the New Audiovisual Media*. 5 International Review of Industrial Property and Copyright Law 180-98 (1971).

Working Group on the Legal Problems Arising from the Use of Video Cassettes and Audiovisual Discs. 11 Copyright Bulletin 5-14 (No. 3, 1977).

B. Home Taping (Off-the-Air)

All's Fair in Love and Private Video Recording—The Copyright Infringement Issues in the Sony Case. 30 Catholic University Law Review 621-51 (1981).

Ashman, Allan. *Copyrights. . . Videotape Recording*. 68 American Bar Association Journal 92-93 (1982).

Baird, Douglas G. *Changing Technology and Unchanging Doctrine: Sony Corporation v. Universal Studios, Inc.* 1984 Supreme Court Review 237-53 (1984).

- Betamax Battle: Round Three.* 34 Federal Communication Law Journal 291-323 (1982).
- Betamax and Infringement of Television Copyright.* 1977 Duke Law Journal 1181-1218 (1977).
- Betamax Before the Ninth Circuit: A Definition of Fair Use for the Technology Age?* 1982 Utah Law Review 615-39 (1982).
- The Betamax Case: Accommodating Public Access and Economic Incentive in Copyright Law.* 31 Stanford Law Review 243-63 (1979).
- Bernstein, Sidney. *Copyright: Video Recording.* 20 Trial 26 (March 1984).
- Campagna, Richard V. *Video and Satellite Transmission Piracy in Latin America: A Survey of Problems, Legal Strategies and Remedies.* 20 International Lawyer 961-85 (1986).
- Carter, Stephen L. *Copyright Protection, the Right to Privacy, and Signals that Enter the Home.* 3 Cardozo Arts and Entertainment Law Journal 289- 318 (1984).
- Cirace, John. *When Does Complete Copying of Copyrighted Works for Purposes Other than for Profit or Sale Constitute Fair Use? An Economic Analysis of the Sony Betamax and Williams & Wilkins Cases.* 28 St. Louis University Law Journal 647- 82 (1984).
- Cole, David J. *Home Videotaping of Copyright Material: Cracks in the 1976 Copyright Act?* 11 Capital University Law Review 215-64 (1982).
- The Copyright Act of 1976: Home Use of Audiovisual Recording and Presentation Systems.* 8 Nebraska Law Review 467-93 (1979).
- Copyright—Fair Use—Recording of Televised Copyrighted Works in the Home.* 55 Tulane Law Review 1295-1316 (1981).
- Copyright: Gone with the Betamax?* 8 New York University Review of Law and Social Change 45-62 (1978).
- Copyright Implications Attendant Upon the Use of*

- Home Videotape Recorders.* 13 University of Richmond Law Review 279-95 (1979).
- Copyright Infringement: Universal Studios, Inc. v. Sony Corp. of America—The Betamax Controversy.* 17 Creighton Law Review 993-1020 (1984).
- Copyright Law—Who Gets the Picture?: Universal Studios, Inc. v. Sony Corp. of America.* 57 Washington Law Review 599-615 (1982).
- The Copyright Monopoly after Sony Corp. of America v. Universal City Studios, Inc.* 1 Touro Law Review 151-97 (1985).
- Copyright: No Fair Use Excuse for Sony's Home Videorecording Infringement.* 21 Washburn Law Journal 679-88 (1982).
- Copyright: Off-the-Air Video Recording is an Infringement and Not Fair Use.* 47 Missouri Law Review 849-62 (1982).
- Copyright: The Betamax Case.* 10 University of Toledo Law Review 203-33 (1978).
- Copyright—The Home Video Recording Controversy.* 81 West Virginia Law Review 231-50 (1979).
- Debofsky, Mark D. *Betamax on Trial: Universal Studios v. Sony Corporation.* 18 Publishing Entertainment Advertising Law Quarterly 95-113 (1979).
- Decision of the United States Supreme Court on Home Video-Taping of Television Films.* 58 Australian Law Journal 179-81 (1984).
- Diedring, Michael C. *VCR Home Recording and Title 17: Does Congress Have the Answer to Sony Corp. of America v. Universal City Studios, Inc.?* 35 Syracuse Law Review 793-827 (1984).
- Educating Sony: Requiem for a "Fair Use".* 22 California Western Law Review 159-74 (1985).
- Encouraging Delinquency in the American Home: Sony's Contributory Infringement of Copyrights.* 18 Willamette Law Review 673-93 (1982).
- Every Home Should Have One: The Betamax as a Staple Article of Commerce in Universal City Stu-*

- dios, Inc. v. Sony Corp. of America. 16 U.C. Davis Law Review 209-30 (1982).
- Fair Use and Home Videotape Copying of Television Broadcasts.* 1 University of Puget Sound Law Review 192-211 (1977).
- The Fair Use of Free Broadcast Television: The Betamax Case and the Distinction Between Marketable and Disposable Software.* 15 Seton Hall Law Review 52-95 (1984).
- Field, Thomas G. *Reflections on the Betamax Decisions.* 22 Idea 265-67 (1982).
- Flint, Michael. *Audio and Visual Recording—Piracy in the Home.* 130 New Law Journal 822-23 (1980).
- "Give to the Invention its Meaning and Worth": The Case for Compensating the Copyright Proprietor for Unauthorized Reproductions of Audio and Video Works for Home Use.* 30 Wayne Law Review 155-82 (1983).
- Glover, Jeffrey Scott. *Betamax and Copyright: The Home Videorecording Controversy.* 28 Copyright Law Symposium 235-71 (1982). Also published in 1 Whittier Law Review 229-58 (1979).
- Glover, Jeffrey Scott. *Emerging International Copyright Laws on Off-the-Air Home and Educational Video-recording: An Analysis.* 28 Bulletin of the Copyright Society of the U.S.A. 475-529 (1980-81).
- Greenspan, Elizabeth. *A Man's Cassette is His Castle: A Home Use Exemption from Copyright Infringement?* 28 Copyright Law Symposium 189-234 (1982).
- Haft, Jonathan D. *Universal City Studios v. Sony Corporation of America: The Case Against Fair Use.* 7 Art and the Law 85-124 (1982).
- Haines, Brian W. *Copyright in Wonderland: Sony v. Universal City Studios.* 134 New Law Journal 367-69 (1984).
- Hipsh, Harlene J. *The Betamax Case and the Breakdown of the Traditional Concept of Fair Use.* 2 Communications and the Law 39-48 (Fall 1980).

Home Recording of Pay Television: Beyond the Betamax Case. 2 Cardozo Arts and Entertainment Law Journal 69-90 (1983).

The Home Videotaping Controversy: Fair Use or Fair Game? 49 Brooklyn Law Review 363-400 (1983).

Home Use of Videotape Recorders (VTRs): Infringement or Fair Use? 59 Chicago-Kent Law Review 209-45 (1982).

Home Videorecording and Copyright Law: The Betamax Case. 37 Washington and Lee Law Review 1277-99 (1980).

Home Videorecording: Fair Use or Infringement? 52 Southern California Law Review 573-634 (1979).

Home Videorecording: Freezing Fair Use in Tradition. 12 Stetson Law Review 182-206 (1982).

Ladd, David. *Home Recording and Reproduction of Protected Works.* 68 American Bar Association Journal 42-45 (1982).

Leaffer, Marshall A. *The Betamax Case: Another Compulsory License in Copyright Law.* 13 University of Toledo Law Review 651-89 (1982).

McCann, Joseph. *Videotape Recorders and Copyright Infringement: The Fair Use Doctrine on Instant Replay.* 13 Journal of Arts Management and the Law 5-30 (Winter 1984).

Marsh, Adrienne J. *Betamax and Fair Use: A Shotgun Marriage.* 21 Santa Clara Law Review 49-87 (1981).

Michael, Bernard J. *Home Videotape Recording of Telecasts.* 1983 Annual Survey of American Law 463-69 (1984).

Mostesher, Sa'id. *Home Piracy.* International Business Lawyer 416-18 (1984).

Ostrofsky, Bonnie. *Home Video Recording and the Copyright Act.* 6 Art and the Law 19-22 (1980).

Patry, William. *In Praise of the Betamax Decision: An Examination of Universal City Studios, Inc. v. Sony Corp. of America.* 22 South Texas Law Journal 211-48 (1982).

- Rapson, David J. *Legislative Relief and the Betamax Problem*. 7 *Art and the Law* 125-40 (1982).
- Seemann, Ernest A. *Sound and Video-Recording and the Copyright Law: The German Approach*. 2 *Cardozo Arts and Entertainment Law Journal* 225-63 (1983).
- The Sony Impact on Home Videorecording: Time for a Legislative Solution*. 3 *Northern Illinois University Law Review* 383-413 (1983).
- Sony v. Universal Studios: Can the Marketplace Relationship Between Creator and Consumer be Preserved?* 62 *Denver University Law Review* 873-97 (1985).
- The Threatened Future of Home Video Recorders: Universal City Studios v. Sony*. 31 *DePaul Law Review* 643-63 (1982).
- Universal City Studios, Inc. v. Sony Corp.: "Fair Use" Looks Different on Videotape*. 66 *Virginia Law Review* 1005-27 (1980).
- Universal City Studios, Inc. v. Sony Corporation of America: Application of the Fair Use Doctrine Under the United States Copyright Acts of 1909 and 1976*. 15 *New England Law Review* 661-81 (1980).
- Universal City Studios, Inc. v. Sony Corp. of America: Betamax Records Trial Court Victory. Should the Court of Appeals Replay the Verdict?* 8 *Rutgers Journal of Computers, Technology and Law* 85-115 (1980).
- Universal City Studios, Inc. v. Sony Corporation of America: Copyright Made Right—Almost*. 1983 *Detroit College of Law Review* 985-1012 (1983).
- Universal v. Sony: Is Home Use in Fact Fair Use?* 3 *COMM/ENT, Hastings Journal of Communications and Entertainment Law* 53-81 (1980).
- Van Dyck, Christian D. Fast—Forward: A Canadian Perspective on the Betamax Controversy*. 16 *Ottawa Law Review* 506-25 (1984).
- Video Wars: The Betamax Decision*. 11 *Western State University Law Review* 261-69 (1984).

Videotape Recorders: Copyright Infringement? 33
Baylor Law Review 695-706 (1981).

Winter, Bill. *Is the Air Free When It Carries TV?* 67
American Bar Association Journal 409 (1981).

Young, Rowland L. *Betamax Decision Won't End
Videotaping Debate.* 70 American Bar Association
Journal 124 (1984).

C. Taping for Educational Purposes

Billings, Roger D. *Off-the-Air Videorecording, Face-
to-Face Teaching, and the 1976 Copyright Act.* 4
Northern Kentucky Law Review 225-51 (1977).

*Education and the Copyright Law: Still an Open Is-
sue.* 46 Fordham Law Review 91-138 (1977).

Glover, Jeffrey Scott. *Emerging International Copy-
right Laws on Off-the-Air Home and Educational
Video-Recording: An Analysis.* 28 Bulletin of the
Copyright Society of the U.S.A. 475-529 (1981).

Ramey, Ancil G. *Off-the-Air Educational Vide-
orecording and Fair Use: Achieving a Delicate Bal-
ance.* 10 Journal of College and University Law
341-78 (1983).

Taylor, Joe D. *Off-the-Air Video Taping for Educa-
tional Purposes—Fair Use or Infringement?* 12
United States Air Force JAG Law Review 90-99
(1970).

D. Prerecorded Programming

Beard, Joseph J. *The Sale, Rental, and Reproduction
of Motion Picture Videocassettes: Piracy or Privi-
lege?* 15 New England Law Review 435-84 (1980).

*Cheaper By the Dozen: Unauthorized Rental of Mo-
tion Picture Videocassettes and Videodiscs.* 34
Federal Communications Law Journal 259-89
(1982).

*The Copyright Act of 1976: Home Use of Audiovisual
Recording and Presentation Systems.* 8 Nebraska
Law Review 467-93 (1979).

*Copyright Infringement: Small Booths Lead to Big
Trouble for Video Stores.* 6 Loyola Entertainment
Law Journal 147-59 (1986).

Copyright Law—Videotaping Live Television News

- Broadcasts for Commercial Purposes*. 6 Western New England Law Review 225-43 (1983).
- "Disk Television": *Some Recurring Copyright Problems in the Reproduction and Performance of Motion Pictures*. 34 University of Chicago Law Review 686-703 (1967).
- Hunnings, Neville March. *Video Censorship*. 1985 Public Law 214-22 (1985).
- Kane-Ritsch, Julie. *The Videotape Rental Controversy: Copyright Infringement or Market Necessity?* 18 John Marshall Law Review 285-320 (1985).
- Lewson, Nancy B. *The Videocassette Rental Controversy: The Future State of the Law*. 30 Journal of the Copyright Society of the U.S.A. 1-33 (1982).
- Meagher, William H. *Copyright Problems Presented by a New Art*. 30 New York University Law Review 1081-1100 (1955).
- The Problem of Musical Videodiscs: The Need for Performance Rights in Sound Recordings*. 16 University of San Francisco Law Review 133-55 (1981).
- Video Rentals and the First Sale Doctrine: The Deficiency of Proposed Legislation*. 8 Whittier Law Review 331-52 (1986).

III. SATELLITE VIDEO DELIVERY

A. DBS and the First Amendment

- Direct Broadcast Satellites and Freedom of Speech*. 4 California Western International Law Journal 374-93 (1974).
- Direct Satellite Broadcasting and the First Amendment*. 15 Harvard International Law Journal 514-27 (1974).
- Price, Monroe E. *The First Amendment and Television Broadcasting by Satellite*. 23 UCLA Law Review 879-903 (1976).
- Ruddy, F.S. *American Constitutional Law and Restrictions on the Content of Private International Broadcasting*. 5 International Lawyer 102-10 (1971).

B. International Content Regulation

- Approaches to Controlling Propaganda and Spillover*

- from Direct Broadcast Satellites.* 5 Stanford Journal of International Studies 167-98 (1970).
- Chayes, Abram and Leonard Chazen. *Policy Problems in Direct Broadcasting from Satellites.* 5 Stanford Journal of International Studies 4-20 (1970).
- DBS Under FCC and International Regulation.* 37 Vanderbilt Law Review 67-144 (1984).
- Explorations in Space Law: An Examination of the Legal Issues Raised by Geostationary, Remote Sensing, and Direct Broadcasting Satellites.* 29 New York Law School Law Review 687-748 (1985).
- Gold, Martin E. *Direct Broadcast Satellites: Implications for Less-Developed Countries and for World Order.* 12 Virginia Journal of International Law 66-90 (1971).
- Gorove, Stephen. *International Direct Television Broadcasting by Satellite: "Prior Consent" Revisited.* 24 Columbia Journal of Transnational Law 1-11 (1985).
- Hagelin, Theodore M. *Prior Consent or the Free Flow of Information over International Satellite Radio and Television: A Comparison and Critique of U.S. Domestic and International Broadcast Policy.* 8 Syracuse Journal of International Law and Commerce 265-320 (1981).
- Legal Implications of Direct Satellite Broadcasting—The U.N. Working Group.* 6 Georgia Journal of International and Comparative Law 564-79 (1976).
- Politics Among the Airwaves: An Analysis of Soviet and Western Perspectives on International Broadcasting and the Right to Exchange Ideas and Information Regardless of Frontiers.* 7 Houston Journal of International Law 237-69 (1985).
- Powell, Jon. *Direct Broadcast Satellites: The Conceptual Convergence of the Free Flow of Information and National Sovereignty.* 6 California Western International Law Journal 1-40 (1975).
- Recent Developments in the Law of Direct Broadcast Satellites.* 2 Brooklyn Journal of International Law 139-63 (1975).

Toward the Free Flow of Information: Direct Television Broadcasting via Satellite. 13 *Journal of International Law and Economics* 329-66 (1979).

PART TWO: DISTRIBUTION OF PROGRAMMING

I. CABLE TELEVISION

A. In General

Coursen, David. *The FCC and "Pay Cable": Promoting Diversity on Television.* 6 *COMM/ENT, Hastings Journal of Communications and Entertainment Law* 773-96 (1984).

Shapiro, George H., Gary M. Epstein, and Ronald A. Cass. *Cable- Satellite Networks: Structures and Problems.* 24 *Catholic University Law Review* 692-718 (1975).

B. Constitutional Limits on Franchise Monopolies

Cable Franchising and the First Amendment: Does the Franchising Process Contravene First Amendment Rights? 36 *Federal Communications Law Journal* 317-35 (1984).

The First Amendment and Cablevision: Preferred Communications, Inc. v. City of Los Angeles. 22 *Tulsa Law Journal* 229-57 (1986).

First Amendment: Awarding Exclusive Cable Franchises Through Auction Process Violates the First Amendment Rights of Private Cable Companies. 11 *University of Dayton Law Review* 439-54 (1986).

Lee, William E. *Cable Franchising and the First Amendment.* 36 *Vanderbilt Law Review* 867-928 (1983).

The Preferred Communications Case: An Opportunity to Set a First Amendment Standard for Cable Television. 11 *Oklahoma City University Law Review* 25-42 (1986).

Preferred Communications, Inc. v. City of Los Angeles: First Amendment Rights and Cable Television Franchising Procedures. 17 *Pacific Law Journal* 965-79 (1986).

Preferred Communications, Inc. v. City of Los Angeles: *Impact of the First Amendment on Access Rights of Cable Television Companies*. 35 Catholic University Law Review 851-82 (1986).

Sibary, Scott. *The Cable Communications Policy Act of 1984 v. The First Amendment*. 7 COMM/ENT, Hastings Journal of Communications and Entertainment Law 381-415 (1985).

Stanzler, Jordan S. *Cable Television Monopoly and the First Amendment*. 4 Cardozo Law Review 199-244 (1983).

Wadlow, R. Clark and Linda M. Wellstein. *The Changing Regulatory Terrain of Cable Television*. 35 Catholic University Law Review 705-36 (1986).

Witt, John W. *The First Amendment and Cable Television*. 25 Municipal Attorney 1-4 (March-April 1984).

C. Superstations

Cryan, Thomas Joseph and James S. Crane. *Sports on the Superstations: The Legal and Economic Effects*. 3 Entertainment and Sports Law Journal 35-6 (1986).

Josiah, Walter J. *The Superstation and the Doctrine of Localism*. 3 Communications and the Law 3-40 (Fall 1981).

Liebowitz, Jeffrey. *Superstation Development and the Changed Potential of Cable Television: Regulatory Problems and Possible Solutions*. 29 Copyright Law Symposium 137-63 (1983).

II. SATELLITE VIDEO DELIVERY

A. Satellite Distribution—In General

Christol, Carl Q. *Prospects for an International Legal Regime for Direct Television Broadcasting*. 34 International and Comparative Law Quarterly 142-58 (1985).

DBS, the FCC, and the Prospects for Diversity and Consumer Sovereignty In Broadcasting. 4 Computer/Law Journal 551-72 (1984).

Direct Broadcast Satellites: Public Access or Exclu-

sive Use. 1 Cardozo Arts and Entertainment Law Journal 91-113 (1982).

Direct Broadcasting to Home Satellites—Boon or Bane to Broadcasting, Cable and the Public: A Panel Discussion. 22 Jurimetrics Journal 121-93 (1982).

Ferris, Charles D. *Direct Broadcast Satellites: A Piece of the Video Puzzle*. 33 Federal Communications Law Journal 169-84 (1981).

Janky, James M. *Low-Cost Receivers and the Use of Direct Broadcast Satellites for Instructional Television*. 5 Stanford Journal of International Studies 138-66 (1970).

Perle, E. Gabriel. *Is the Bird Pie in the Sky?—Communications Satellites and the Law*. 27 Bulletin of the Copyright Society of the U.S.A. 325-39 (1980).

Recent Developments in the Law of Direct Broadcast Satellites. 2 Brooklyn Journal of International Law 139-63 (1975).

Rice, David M. *Regulation of Direct Broadcast Satellites: International Constraints and Domestic Options*. 25 New York Law School Law Review 813-62 (1980).

Satellite/Dish Antenna Technology: A Copyright Owner's Dilemma. 59 Indiana Law Journal 417-42 (1984).

Up in the Air: An Analysis of the FCC's DBS Policy. 11 Brooklyn Journal Of International Law 127-47 (1985).

White, Harold M., Jr. and Rita Lauria. *The Evolving Legal Status of Home Satellite Earth Stations*. 8 Communications and the Law 57-73 (October 1986).

White, Stewart. *Television Programme Distribution by Satellite in Australia*. 1983 International Business Lawyer 11-15 (October 1983).

B. International Signal Piracy

Campagna, Richard V. *Video and Satellite Transmission Piracy in Latin America: A Survey of Problems, Legal Strategies and Remedies*. 20 International Lawyer 961-85 (1986).

Christol, Carl Q. *The 1974 Brussels Convention Relating to the Distribution of Program-Carrying Signals Transmitted by Satellite: An Aspect of Human Rights*. 6 *Journal of Space Law* 19-35 (1978).

The Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite: A Potshot at Poaching. 7 *New York University Journal of International Law and Politics* 575-96 (1974).

Cryan, Thomas Joseph and James S. Crane. *International Telecommunications Pirates: Protecting U.S. Satellite Signals from Unauthorized Reception Abroad*. 17 *New York University Journal of International Law and Politics* 851-91 (1985).

Direct Broadcast Satellites: Protecting Rights of Contributing Artists and Broadcasting Organizations. 12 *California Western International Law Journal* 204-30 (1982).

Flint, Michael F. *Signal Reception and Piracy*. 1983 *International Business Lawyer* 7-10 (October 1983).

Leibowitz, David E., David Ladd, and Lewis Flacks. *Footprints Over the Caribbean: Bringing Program Protection in Step with Satellite Technology*. 1 *Entertainment and Sports Law Journal* 1-17 (1984).

Securing Authors' Rights in Satellite Transmissions: U.S. Efforts to Extend Copyright Protection Abroad. 24 *Columbia Journal of Transnational Law* 73-101 (1985).

Weinstein, Judith S. *International Satellite Piracy: The Unauthorized Interception and Retransmission of United States Program-Carrying Satellite Signals in the Caribbean, and Legal Protection for United States Program Owners*. 15 *Georgia Journal of International and Comparative Law* 1-27 (1985).

III. UNAUTHORIZED RECEPTION

A. "Pay TV"—In General

Abney, David L. and Lynne W. Abney. *The Judicial Outlook on Signal Piracy*. 8 *Communications and the Law* 3-19 (June 1986).

Crane, James S. and Thomas Joseph Cryan. *Telecommunication Pirates—America's Newest Criminals?* 2 Entertainment and Sports Law Journal 167-92 (1985).

Decoding Section 605 of the Federal Communications Act: A Cause of Action for Unauthorized Reception of Subscription Television. 50 University of Cincinnati Law Review 362-79 (1981).

Luce, Charles F., Jr. *Scuttling the Air Pirates: Theories of Pay Television Signal Theft Liability.* 4 Communications and the Law 17-58 (Fall 1982).

Pascucci, Scott. *Unauthorized Reception of Pay Television: The New York Laws in Perspective.* 9 Art and the Law 57-88 (1984).

Pay Television and Section 605 of the Communications Act of 1934: A Need for Congressional Action. 38 Washington and Lee Law Review 1249-66 (1981).

Pay Television Legal Protections Against Interception: Backyard Earth Stations Amplify Current Imperfections. 87 Dickinson Law Review 95-124 (1982).

Pay Television Piracy: Do Pirates Walk the Plank? People v. Babylon and People v. Patton. 6 Loyola Entertainment Law Journal 207-19 (1986).

Pay TV—Piracy and the Law: It's time to Clear Up the Confusion. 33 Emory Law Journal 825-68 (1984).

Shafer, Richard P. *Federal Legal Problems Arising from Subscription Television or "Pay TV" Broadcast Over the Air.* 61 ALR Fed 809-15 (1983).

Unauthorized Pay Television Reception Under Section 605 of the Communications Act. 3 COMM/ENT, Hastings Journal of Communications and Entertainment Law 719-49 (1981).

Winter, Bill. *Is the Air Free When It Carries TV?* 67 American Bar Association Journal 409 (1981).

B. Cable Television

Electronic Piracy: Can the Cable Television Industry Prevent Unauthorized Interception? 13 St. Mary's Law Journal 587-600 (1982).

The Copyright Act of 1976 Served on a Satellite Dish. 21 Willamette Law Review 79-105 (1985).

Gore, Albert. *Protecting Fair Access to Cable Satellite Programming: The Satellite Television Viewing Rights Act of 1985.* 15 Memphis State University Law Review 341-68 (1985).

North Carolina's Theft of Cable Television Service Statute: Prospects of a Brighter Future for the Cable Television Industry. 63 North Carolina Law Review 1296-1316 (1985).

C. Over-the-Air Pay TV

1. Subscription Television (STV)

Bienstock, Terry S. *Theft of Service of Over-the-Air Pay TV: Are the Airwaves Free?* 56 Florida Bar Journal 240-45 (1982).

Fishman, Manuel M. *Subscription Television Decoders: Can California Prohibit Their Manufacture and Sale?* 22 Santa Clara Law Review 839-70 (1982).

Movie Systems, Inc. v. Heller: *The Unauthorized Interception of Subscription Television.* 17 Creighton Law Review 1267-86 (1983-1984).

The Piracy of Subscription Television: An Alternative to the Communications Law. 56 Southern California Law Review 935-68 (1983).

Pirates Walk the Plank: The Unauthorized Interception of Pay Television Transmissions. 4 COMM/ENT, Hastings Journal of Communications and Entertainment Law 141-71 (1981).

The Problem of Unauthorized Interception of Subscription Television—Are the Legal Airwaves Unscrambled? 9 Pepperdine Law Review 641-75 (1982).

Subscription Television and Section 605 of the Communications Act—The Pathology of an Antiquated Statute. 12 Golden Gate University Law Review 1-23 (1982).

Subscription Television: Should the Government Prohibit Unauthorized Reception? 18 California Western Law Review 291-344 (1982).

Unscrambling the Broadcasting Status of Over-the Air Subscription Television Under 47 U.S.C. 605. 1982 Brigham Young University Law Review 695-726 (1982).

Who Gets the Signal?—Unauthorized Interception and Section 605 Now Section 705 of the Communications Act. 6 Pace Law Review 391-439 (1986).

2. Multipoint Distribution Service (MDS)

Connor, Charles D. *MDS Television in the Eighties: Video Cops and Video Robbers.* 6 Communications and the Law 45-58 (February 1984).

Pay Television Piracy: Does Section 605 of the Federal Communications Act of 1934 Prohibit Signal Piracy—and Should It? 10 William Mitchell Law Review 531-57 (1984).

Section 593e of the California Penal Code No Longer Prohibits the Sale of Equipment to Intercept Intelligible, Unscrambled Microwave Transmissions. 13 Pepperdine Law Review 468-69 (1986).

D. Satellite Video Delivery

Bienstock, Terry S. and Philip J. Kantor. *Unauthorized Interception of Satellite Programming: Does Section 705's "Private Viewing" Exemption Apply to Condominium and Apartment Complexes?* 3 Entertainment and Sports Law Journal 107-13 (1986).

Brown, Richard L. and Lauritz S. Helland. *Section 605 of the Communications Act: Teaching a Salty Old Sea Dog New Tricks.* 34 Catholic University Law Review 635-70 (1985).

The Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite: A Potshot at Poaching. 7 New York University Journal of International Law and Politics 575-96 (1974).

The Copyright Act of 1976 Served on A Satellite Dish. 21 Willamette Law Review 79-105 (1985).

Cryan, Thomas Joseph and James S. Crane. *Interna-*

tional Telecommunications Pirates: Protecting U.S. Satellite Signals from Unauthorized Reception Abroad. 17 New York University Journal of International Law and Politics 851-91 (1985).

Flint, Michael F. *Signal Reception and Piracy.* 1983 International Business Lawyer 7-10 (October 1983).

Gore, Albert. *Protecting Fair Access to Cable Satellite Programming: The Satellite Television Viewing Rights Act of 1985.* 15 Memphis State University Law Review 341-68 (1985).

The Home Satellite Dish Antenna: Will the Cable Communications Policy Act of 1984 Descramble the Unauthorized Viewing Controversy? 25 Washburn Law Journal 66-90 (1985).

New Wave Policy: Protection of Direct Broadcast Satellite Transmissions Under Section 605. 14 Southwestern University Law Review 590-611 (1984).

Piscitelli, Michael. *Home Satellite Viewing: A Free Ticket to the Movies?* 35 Federal Communications Law Journal 1-39 (1983).

Private Reception of Satellite Transmissions by Earth Stations. 48 Albany Law Review 426-58 (1984).

Receive-Only Satellite Earth Stations and Piracy of Airwaves. 58 Notre Dame Law Review 84-100 (1982).

Straschnov, Georges. *Legal Protection of Television Broadcasts Transmitted Via Satellite.* 17 Bulletin of the Copyright Society of the U.S.A. 27-39 (1969).

Who Owns the Air? Unscrambling the Satellite Viewing Rights Dilemma. 20 Loyola of Los Angeles Law Review 145-79 (1986).

IV. DISTRIBUTION—MISCELLANEOUS

Barnett, Harold J. and Edward Greenberg. *A Proposal for Wired City Television.* 1968 Washington University Law Quarterly 1-25 (1968).

The Development of Video Technology. 25 New York Law School Law Review 789-812 (1980).

Hammond, Allen S. *Now You See It, Now You Don't: Minority Ownership In An "Unregulated" Video Mar-*

- ketplace*. 32 Catholic University Law Review 633-63 (1983).
- Hammond, Allen S. *To Be or Not To Be: FCC Regulation of Video Subscription Technologies*. 35 Catholic University Law Review 737-59 (1986).
- Leibowitz, David E. *The Sequential Distribution of Television Programming in a Dynamic Marketplace*. 34 Catholic University Law Review 671-96 (1985).
- Price, Monroe E. and Mark S. Nadel. *Antitrust Issues in the New Video Media*. 3 Cardozo Arts and Entertainment Law Journal 27-52 (1984).
- Stern, Jill Abeshouse, Erwin G. Krasnow and R. Michael Senkowski. *The New Video Marketplace and the Search for a Coherent Regulatory Philosophy*. 32 Catholic University Law Review 529-602 (1983).
- Tarkow, Howard B. *Low Power Television: A New Opportunity for Broadcasting in the Public Interest*. 23 Urban Law Annual 189-226 (1982).

PART THREE: CASE NOTES

- ACLU v. FEDERAL COMMUNICATIONS COMMISSION, 523 F.2d 1344 (9th Cir. 1975).
- ACLU v. FCC: *Are CATV Access Channels Common Carriers?* 1975 Utah Law Review 994-1006 (1975).
- COLUMBIA PICTURES INDUSTRIES, INC. v. REDD HORNE, INC., 749 F.2d 154 (3d Cir. 1984).
- Copyright Infringement: Small Booths Lead to Big Trouble for Video Stores*. 6 Loyola Entertainment Law Journal 147-59 (1986).
- CRUZ v. FERRE, 571 F. Supp. 125, 9 Media Law Reporter 2050 (BNA) (S.D. Fla. 1983).
- One Small Step for Smut*. 8 Art and the Law 431-32 (1984).
- FEDERAL COMMUNICATIONS COMMISSION v. MIDWEST VIDEO CORP.
1) 440 U.S. 689 (1979).
- FCC v. Midwest Video Corporation: *One Less Cable Restriction*. 41 Ohio State Law Journal 575-82 (1980).
- The Invalidation of Mandatory Cable Access Regulation: FCC v. Midwest Video Corp.* 7 Pepperdine Law Review 469-89 (1980).
- Regulated Industries—Federal Communications Commission—Supreme Court Invalidates Regulations Requiring*

- Cable Broadcasters to Provide Public Access.* 13 Creighton Law Review 1023-43 (1980).
- 2) 571 F. 2d 1025 (8th Cir. 1978).
- Midwest Video Corp. v. FCC: *The First Amendment Implications of Cable Television Access.* 54 Indiana Law Journal 109-24 (1978).
- FORTNIGHTLY CORP. v. UNITED ARTISTS TELEVISION, INC., 392 U.S. 390 (1968).
- Copyright—CATV and the Scope of "Performance." 29 Ohio State Law Journal 1038-46 (1968).
- Copyright—Telecommunication—CATV Carriage of Copyrighted Material Does Not Constitute Infringement. 21 Vanderbilt Law Review 854-63 (1968).
- HOME BOX OFFICE v. WILKINSON, 531 F. Supp. 987 (D. Utah 1982).
- Regulation of Indecent Television Programming: HBO v. Wilkinson. 9 Journal of Contemporary Law 207-16 (1983).
- HOME BOX OFFICE v. FEDERAL COMMUNICATIONS COMMISSION, 567 F.2d 9 (D.C. Cir. 1977).
- Communications Law—Television—Antisiphoning Rules Governing Movie and Sports Content of Pay Cable Television Exceeded Jurisdiction of FCC Under Federal Communications Act. 23 Villanova Law Review 597-613 (1978).
- MALRITE TV OF NEW YORK v. FEDERAL COMMUNICATIONS COMMISSION, 652 F.2d 1140 (2d Cir. 1981), cert. denied, 102 S. Ct. 1002 (1982).
- Administrative Law: *The Cable-Copyright Controversy Continues—But Not in the Courts.* 48 Brooklyn Law Review 661-92 (1982).
- MOVIE SYSTEMS, INC. v. HELLER, 710 F.2d 492 (8th Cir. 1983).
- Pay Television Piracy: Does Section 605 of the Federal Communications Act of 1934 Prohibit Signal Piracy—and Should It? 10 William Mitchell Law Review 531-57 (1984).
- The Unauthorized Interception of Subscription Television.* 17 Creighton Law Review 1267-86 (1983-1984).
- NATIONAL SUBSCRIPTION TELEVISION v. S & H TV, 644 F.2d 820 (9th Cir. 1981).
- The Problem of Unauthorized Interception of Subscription Television—Are the Legal Airwaves Unscrambled?* 9 Pepperdine Law Review 641-75 (1982).
- Radio and Television—Federal Communications Act—En-

- coded Subscription Television Signals Find Protection Under Section 605 of the Federal Communications Act.* 4 Whittier Law Review 349-66 (1982).
- Subscription Television and Section 605 of the Communications Act—The Pathology of an Antiquated Statute.* 12 Golden Gate University Law Review 1-23 (1982).
- PEOPLE v. BABYLON, 39 Cal. 3d 719, 702 P.2d 205, 216 Cal. Rptr. 123 (1985).
- Pay Television Piracy: Do Pirates Walk the Plank?* 6 Loyola Entertainment Law Journal 207-19 (1986).
- Section 593e of the California Penal Code No Longer Prohibits the Sale of Equipment to Intercept Intelligible, Unscrambled Microwave Transmissions.* 13 Pepperdine Law Review 468-69 (1986).
- PEOPLE v. PATTON, 147 Cal. App. 3d Supp. 1, 194 Cal. Rptr. 759 (1983).
- Pay Television Piracy: Do Pirates Walk the Plank?* 6 Loyola Entertainment Law Journal 207-19 (1986).
- PREFERRED COMMUNICATIONS, INC. v. CITY OF LOS ANGELES, 754 F.2d 1396 (9th Cir.1985).
- The First Amendment and Cablevision: Preferred Communications, Inc. v. City of Los Angeles.* 22 Tulsa Law Journal 229-57 (1986).
- First Amendment: Awarding Exclusive Cable Franchises Through Auction Process Violates the First Amendment Rights of Private Cable Companies.* 11 University of Dayton Law Review 439-54 (1986).
- First Amendment Rights and Cable Television Procedures.* 17 Pacific Law Journal 965-79 (1986).
- Impact of the First Amendment on Access Rights of Cable Television Companies.* 35 Catholic University Law Review 851-82 (1986).
- QUINCY CABLE TV, INC. v. FEDERAL COMMUNICATIONS COMMISSION, 768 F.2d 1434 (D.C. Cir. 1985).
- Cable TV's Must Carry Rules: The Most Restrictive Alternative.* 8 Campbell Law Review 339-59 (1986).
- Quincy Cable and Its Effect on the Access Provisions of the 1984 Cable Act.* 61 Notre Dame Law Review 426-39 (1986).
- Should the FCC Revive Cable Television's Must Carry Requirement?* 19 Loyola of Los Angeles Law Review 1369-1410 (1986).

SONY CORP. OF AMERICA v. UNIVERSAL CITY STUDIOS, INC.

1) 464 U.S. 417 (1984)

Can the Marketplace Relationship Between Creator and Consumer be Preserved? 62 Denver University Law Review 873-97 (1985).

The Copyright Monopoly after Sony Corp. of America v. Universal City Studios, Inc. 1 Touro Law Review 151-97 (1985).

Decision of the United States Supreme Court on Home Video-Taping of Television Films. 58 Australian Law Journal 179-81 (1984).

Educating Sony: Requiem for a "Fair Use". 22 California Western Law Review 159-74 (1985).

Video Wars: The Betamax Decision. 11 Western State University Law Review 261-69 (1984).

2) 659 F.2d 963 (9th Cir. 1981)

Copyright Infringement—The Betamax Controversy. 17 Creighton Law Review 993-1020 (1983-1984).

Copyright Law—Who Gets the Picture? 57 Washington Law Review 599-615 (1982).

Copyright: No Fair Use Excuse for Sony's Home Videorecording Infringement. 21 Washburn Law Journal 679-88 (1982).

Copyright: Off-the-Air Video Recording is an Infringement and Not Fair Use. 47 Missouri Law Review 849-62 (1982).

Home Use of Videotape Recorders (VTRs): Infringement or Fair Use? 59 Chicago-Kent Law Review 209-45 (1982).

Home Videorecording: Freezing Fair Use in Tradition. 12 Stetson Law Review 182-206 (1982).

The Home Videotaping Controversy: Fair Use or Fair Game? 49 Brooklyn Law Review 363-400 (1983).

Michael, Bernard J. *Home Videotape Recording of Telecasts.* 1983 Annual Survey of American Law 463-69 (1984).

The Sony Impact on Home Videorecording: Time for a Legislative Solution. 3 Northern Illinois University Law Review 383-413 (1983).

Universal City Studios, Inc. v. Sony Corporation of America: Copyright Made Right—Almost. 1983 Detroit College of Law Review 985-1012 (1983).

3) 480 F. Supp. 429 (C.D. Cal. 1979)

Copyright—Fair Use—Recording of Televised Copyrighted

- Works in the Home*. 55 Tulane Law Review 1295-1316 (1981).
- Home Videorecording and Copyright Law: The Betamax Case*. 37 Washington and Lee Law Review 1277-99 (1980).
- Universal City Studios, Inc. v. Sony Corp.: *"Fair Use" Looks Different on Videotape*. 66 Virginia Law Review 1005-27 (1980).
- Universal City Studios, Inc. v. Sony Corporation of America: *Application of the Fair Use Doctrine Under the United States Copyright Acts of 1909 and 1976*. 15 New England Law Review 661-81 (1980).
- Universal City Studios, Inc. v. Sony Corp. of America: *Betamax Records Trial Court Victory. Should the Court of Appeals Replay the Verdict?* 8 Rutgers Journal of Computers, Technology and Law 85-115 (1980).
- Videotape Recorders: Copyright Infringement?* 33 Baylor Law Review 695-706 (1981).
- TELEPROMPTER CORP. v. CBS, INC.
- 1) 476 F.2d 338 (2d Cir. 1973)
- Communications—Cable Television: A Viewer or Performer*. 5 University of Toledo Law Review 133-47 (1973).
- Copyright Law and CATV: CBS v. Teleprompter Corp.* 60 Virginia Law Review 137-53 (1974).
- Copyright Law—Cable Television and Copyright Liability*. 48 St. John's Law Review 322-31 (1973).
- Copyright—Telecommunications—CATV Importation of Distant Television Signals Constitutes Infringement Under Sections One (c) & (d) of the Copyright Act*. 26 Vanderbilt Law Review 1314-23 (1973).
- Copyrights—Radio and Television—Cable Television Operator Subject to Liability for Copyright Infringement When Distant Signals Are Imported*. 87 Harvard Law Review 665-75 (1974).
- 2) 415 U.S. 394 (1974)
- The Copyright Status of Imported Television Signals for Cable Television*. 24 DePaul Law Review 196-211 (1974).
- Teleprompter v. Columbia Broadcasting System, Inc.—*An Exemption for CATV from the Copyright Laws?* 6 University of West Los Angeles Law Review 152-60 (1974).
- UNITED STATES v. MIDWEST VIDEO CORP., 406 U.S. 649 (1972).
- Administrative Law—Communications—Radio and Televi-*

sion—FCC's Jurisdiction Over CATV Under the Communications Act of 1934 Includes Authority to Impose Program Origination Requirements. 41 University of Cincinnati Law Review 983-96 (1972).

Administrative Law—FCC Jurisdiction Over CATV—Origination Cablecasting Regulation Held Within FCC's Authority. 4 Rutgers Camden Law Journal 391-403 (1973).

Administrative Law—FCC's Origination Requirement for CATV Upheld by Supreme Court. 22 Journal of Public Law 301-12 (1973).

Administrative Law—Telecommunications—FCC Rule Requiring CATV Systems to Operate as Local Outlets by Cablecasting is Reasonably Ancillary to the Performance of the Commission's Responsibilities for the Regulation of TV Broadcasting. 22 Catholic University Law Review 708-14 (1973).

United States v. Midwest Video Corp.—Cable Television and the Program Origination Rule. 22 DePaul Law Review 461-80 (1972).